

Appl. Ser. No. 10/666,817

REMARKS

This Amendment responds to the Office Action of May 9, 2005. Applicant thanks the Examiner for the interview conducted on August 8, 2005, in which Hauk et al. (U.S. Patent Application Publication No. 2003/0126068) was discussed. Claims 1-24 remain in this application. Claims 1, 3-7, 9-13, 15-18, 20, and 22-24 have been amended in terms which more clearly define the present invention. Claims 1, 13, and 22-24 are independent.

The Office Action rejected all 24 of the pending claims under 35 U.S.C. § 102(e) as being anticipated by Hauk et al. These bases for rejection are addressed below.

Claim Rejections Under 35 U.S.C. § 102(e), Based On Hauk et al.

Amended Claims 1-26 are directed to various aspects of enabling a sender of a financial message adhering to publicly-known field delimited protocol, such as the Financial Information Exchange (FIX) Protocol, to communicate a coded message having a meaning outside of the publicly-known protocol. The FIX Protocol is an open standard specification for automating the trading of financial instruments that members of the financial community originated in 1992. The FIX protocol was created for the purpose of streamlining a pre-existing manual process with a uniform, direct, computer-to computer mechanism for communicating interests in buying and selling, orders to buy and sell, and reports of purchases and sales of financial instruments. The present invention provides the benefits of removing the constraints of the specifications of the

Appl. Ser. No. 10/666,817

publicly-known field delimited protocol (*i.e.*, enabling buyers and sellers to communicate using messages other than the particular messages that are specified within the protocol), without adding additional cost or losing the benefits of using a publicly-known protocol for trading financial instruments.

Amended Claim 1 recites:

A method for securely communicating financial information, comprising:

receiving over an electronic computer network a message communicated according to a field delimited communication protocol pursuant to which the message comprises a financial data field and a field value corresponding to the financial data field and the message has a standard, publicly-known meaning within the field delimited communication protocol;

and interpreting said message according to a coded meaning defined to be different than the standard, publicly-known meaning within the field delimited communication protocol.

Hauk et al. is directed to a virtual trading floor system that simulates in real time the trading action of actual buying and selling traders in a financial market and graphically represents those simulated traders in a visual display of virtual images. (See, e.g., Abstract, ¶¶ 0011-0015.) The system of Hauk uses a coder/decoder to receive and transmit data in connection with orders made on the virtual trading floor (Hauk et al. ¶¶ 0016, 0018-0022, 0039-0040, 0050, 0062, 0076, 0077), but it does not teach or disclose receiving over an electronic computer network a message communicated according to a field delimited communication protocol pursuant to which the message comprises a financial data field and a field value corresponding to the financial data field and the message has a standard, publicly-known meaning within the field delimited

Appl. Ser. No. 10/666,817

communication protocol and interpreting said-message according to a coded meaning defined to be different than the standard, publicly-known meaning within the field delimited communication protocol as recited in amended Claim 1.

Hauk et al. does not teach or disclose encoding a message communicated in a field delimited communication protocol pursuant to which the message comprises a financial data field and a field value corresponding to the financial data field, in which the message has a standard, publicly-known meaning within the field delimited communication protocol in which the message would ordinarily be interpreted to have a standard, publicly-known meaning to have a meaning different from the standard, publicly-known meaning as recited in amended Claim 7. It does not teach or suggest receiving and transmitting first and second messages communicated in a field delimited communication protocol, wherein at least one of said first and second messages being encoded to have a meaning different from the standard, publicly-known meaning within the field delimited communication protocol as recited in amended Claim 13. Hauk et al. also does not teach or disclose the apparatus recited in amended Claims 22, 23, and 24.

The Office Action states that Hauk et al. teaches a virtual trading floor system that comprises a coder/decoder that receives and transmits data; a graphic interface coupled to the coder/decoder that receives and displays certain of the data as buying and selling metaphors representative of actual buying and selling traders; a control interface coupled to the coder/decoder for initiating orders, and a data interface coupled to the decoder for displaying the data in a non-graphic, human readable form, and for receiving and

Appl. Ser. No. 10/666,817

transmitting data to and from the coder/decoder. (Office Action at 6-7.) That is not the same as receiving, transmitting, and encoding messages communicated in a field delimited protocol to be interpreted or encoded to have a meaning different than the standard, publicly-known meaning within the field delimited communication protocol as recited in the amended claims. The metaphors of Hauk et al. are graphical representations used to represent buyers and sellers on a trading floor. (Hauk et al., Figs. 2-5, 8.) The metaphors of the system of Hauk et al. do not involve receiving, transmitting, and encoding messages communicated in a field delimited protocol to be interpreted or encoded to have a meaning different than the standard, publicly-known meaning within the field delimited communication protocol as recited in the amended claims.

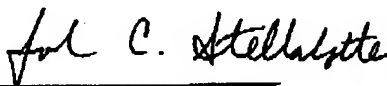
Thus, Applicant respectfully disagrees with the Office Action that Hauk et al. anticipates any of claims 1-24. Applicant respectfully requests that the rejections based on Hauk et al. be withdrawn.

Appl. Ser. No. 10/666,817

Conclusion

In light of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-24 are patentably distinct over the prior art of record, that the application is in proper form for allowance of all claims, and earnestly solicits a notice to that effect.

Respectfully submitted,

PROSKAUER ROSE LLP
Attorneys for ApplicantsBy 
John C. Stellabotte
Reg. No. 47,969

Date: September 22, 2005

PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036-8299
Telephone: (212) 969-3000